

IDS

An information disclosure statement is attached herein.

35 USC § 102

Claims 29-31, 33-37, and 41-42 were rejected under 35 USC § 102(b) as being anticipated by Buecker (US 6131362). The applicant disagrees.

Claim 29 (and claims 30-31, 33-37, and 41-42 by virtue of their dependence on claim 29) all recite the element: "... a substantially open and flat web having a plurality of spaced stabilizing members ...".

Anticipation requires the cited reference to include every element of the claim. Buecker does not teach the following elements: (1) substantially open and flat webs; and (2) the webs having a plurality of spaced stabilizing members.

Although Buecker teaches a "joist [that] is normally manufactured with holes that extend through the web section ...", those holes are "sized to receive pipes and/or wires ..." (Column 4, lines 50-55). Therefore, the holes that are contemplated in Buecker are much smaller than the substantially open and flat web that is presently contemplated.

Additionally, the holes in Buecker's joist are for the purpose of "...facilitating the installation of the plumbing and electric utilities." (Column 4, lines 50-55) The holes in Buecker's web do not provide stabilization to the weight-bearing element.

Therefore, Buecker does not anticipate claim 29 (and claims 30-31, 33-37, and 41-42 by virtue of their dependence on claim 29).

Additionally, claim 31 of the present application teaches that the stabilizing members are flanges. Buecker makes no mention of flanges. Therefore, claim 31 is not anticipated by Buecker.

35 USC § 103

Claims 32, 38, and 41 were rejected under 35 USC § 103 as being obvious over Buecker. (US 6131362). The applicant disagrees.

Independent claim 29 recites the following element: "...a substantially open and flat web having a plurality of spaced stabilizing members ...".

Buecker does not teach, motivate, or suggest one of ordinary skill in the art to have a substantially open and flat web. Buecker contemplates having holes in a joist only for the purpose of receiving pipes and/or wires, thereby facilitating the installation of the plumbing and electric utilities, not for the purpose of stabilizing the weight bearing element. (Column 4, lines 50-54)

Therefore, claim 29 (and claims 32, 38, and 41 by virtue of their dependence on claim 29) is not obvious over Buecker.

Double Patenting Rejection

Claims 29-42 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Pat. No. 6,170,217. A terminal disclaimer signed by the assignee is attached herein to overcome this rejection.

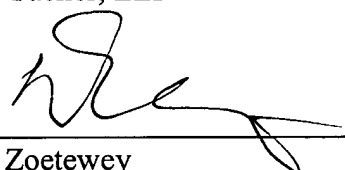
REQUEST FOR ALLOWANCE

Claims 29-56 are pending in this application. The applicant requests allowance of all pending claims.

Respectfully submitted,

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VERSIONS WITH MARKING TO SHOW CHANGES MADE

In the Claims

29. (Amended) A weight bearing element comprising:

a substantially open and flat web having a plurality of spaced stabilizing members; and

at least one chord defining a perimeter having a polygonal cross-sectional shape with at least 5 mutually non-coplanar sides, at least two of which are substantially parallel to the web, the chord being connected to the web at least one vertex of an angle of the chord.